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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of  
Damjanovic et al. )  
Serial No.: 10/040,542 ) PATENT PENDING  
Filed: January 4, 2002 ) Examiner: Mr. Raymond S. Dean  
For: Reverse Link Power Control in 1xEV-DV ) Group Art Unit: 2684  
Systems ) Confirmation No.:2444  
Docket No: 4740-030/P15284-US1 )

Mail Stop Amendment  
Commissioner for Patents  
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**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

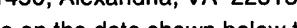
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January 24, 2006

Date



Season E. Munck

## **Interview Summary**

The undersigned attorney called Examiner Raymond Dean on 23 January 2006, to discuss the Notice of Non-Compliant Appeal Brief mailed on 17 January 2006 for Application Serial No. 10/040,542. The Notice states that Applicant's Appeal Brief does not comply with the requirements of 37 C.F.R. § 41.37(c)(1)(v) because its "Summary of Claimed Subject Matter" section does not include specification references by page and line number for each dependent claim that is separately argued in the "Argument" section of the brief.

During the phone call, the undersigned attorney explained that his reading of Section 41.37(c)(1)(v) was that the requirement to include specification references (page/line numbers, drawing reference numbers) for dependent claims was limited to dependent claims that are separately argued and are in means-plus-function form, according to 35 U.S.C. § 112, ¶ 6. In other words, dependent claims not in means-plus-function form, even if separately argued in the

Argument section of the brief, do not need to be discussed in the Summary of Claimed Subject Matter section.

Examiner Dean disagreed with the undersigned attorney's interpretation of the regulation, but would not discuss the specific language of the section at issue. Instead, Examiner Dean referred the attorney to the "and/or" based paraphrasing of 37 C.F.R. § 41.37(c)(1)(v) that appears within the Notice itself. The undersigned attorney took issue with the Notice's paraphrased language, and noted that the regulation itself does not include an "and/or" qualifier when it identifies when dependent claims must be discussed in the Summary of Claimed Subject Matter section.

At the conclusion of the telephone interview, Examiner Dean advised the undersigned attorney to respond to the Notice by resubmitting Applicant's Appeal Brief without making any changes. When asked whether a cover letter explaining Applicant's reasons for not conforming the resubmitted Appeal Brief to the Notice should be submitted as well, the Examiner replied affirmatively.

Respectfully submitted,

COATS & BENNETT, P.L.L.C.



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